

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.5107 and 5112 (Log #AQ202).

The proposed rule reclassifies zinc and zinc compounds from a Class II TAP (suspected human carcinogen and known or suspected human reproductive toxin) to Class III TAP (acute and chronic, non-carcinogen toxin). Exposure to zinc and zinc compounds has been shown in EPA toxicological studies to cause acute and chronic health effects corresponding to the Class III TAP classification. Also, the proposed rule corrects a typographical error and adds a certification statement to the requirements for initial and subsequent annual emission reports and revisions to any emission report to attest that the information contained in the report is true, accurate, and complete. The basis and rationale for this proposed rule are to correct the reclassification of zinc and zinc compounds to reflect the true adverse health effects on human population from exposure to zinc and zinc compounds and to make other clarifications to the regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on May 25, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ202. Such comments must be received no later than June 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ202.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

[See Prior Text in A- A.2]

3. Initial and subsequent annual emission reports and revisions to any emission report shall include a certification statement to attest that the information contained in the emission report is true, accurate, and complete, and signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, title, signature, date of signature and phone number of the responsible official. The certification statement shall read,

“I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under both state and federal regulations.”

[See Prior Text in B - D.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§5112. Tables

Table 51.1 Minimum Emission Rates Toxic Air Pollutants
CLASS I - Known and Probable Human Carcinogens

Compounds	Cas No.	Synonyms	Minimum Emission Rate (Pounds/ Year)
Acrylonitrile	107-13-1		35.0
Arsenic (and compounds) [1][12]	7440-38-2		25.0
[See Prior Text in Asbestos (friable) – Benzene]			
Beryllium (and compounds) [1]	7440-41-7	Glucinum	25.0
[See Prior Text in Bis (2-Chloroethyl) Ether – Cadmium (and compounds) [1]]			
Chromium VI (and compounds) [1][12]	7440-47-3		25.0
[See Prior Text in 1,2-Dibromoethane – Vinyl Chloride]			
CLASS II - Suspected Human Carcinogens and Known or Suspected Human Reproductive Toxins			
Compounds	Cas No.	Synonyms	Minimum Emission Rate Pounds/ Year)
[See Prior Text in Acetaldehyde – Styrene]			
1,1,2,2-Tetrachloroethane	79-34-5	Acetylene tetrachloride	300.0
Tetrachloroethane	79-34-5	Acetylene tetrachloride	300.0
Tetrachloroethylene	127-18-4	Antisol 1, Carbon dichloride, Perchloroethylene	2,800.0
[See Prior Text in Toluene-2,4-Diisocyanate [8] – Vinylidene Chloride]			

CLASS II - Suspected Human Carcinogens and Known or Suspected Human Reproductive Toxins			
Compounds	Cas No.	Synonyms	Minimum Emission Rate Pounds/ Year)
Xylene (mixed isomers) [9]	1330-20-7	ortho-xylene, meta-xylene, para-xylene	20,000.0
Zinc (and compounds) [1]	7440-66-6		25.0

CLASS III - Acute and Chronic (Non-Carcinogenic) Toxins			
Compounds	Cas No.	Synonyms	Minimum Emission Rate (Pounds/ Year)
[See Prior Text in Acrylic Acid – Vinyl Acetate]			
Zinc (and compounds) [1][12]	7440-66-6		25.0

EXPLANATORY NOTES:

[See Prior Text in Notes 1-11]

[12] Zinc chromates and zinc arsenates are Class I TAPs regulated as carcinogens under Chromium VI (and compounds) and arsenic (and compounds) TAP categories.

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	Cas No.	Class	Ambient Air Standard	
			(µg/m ³ *) (8 Hour Avg.)	(µg/m ³ **) (Annual Avg.)
[See Prior Text in Acetaldehyde – Antimony (and compounds) [1]				
Arsenic (and compounds)[1][15]	7440-38-2	I		0.02
[See Prior Text in Asbestos (friable) – Benzene]				
Beryllium(<u>and compounds</u>) [1]	7440-41-7	I		0.04
[See Prior Text in Biphenyl – Chloroprenel]				
Chromium VI (and compounds) [1][15]	7440-47-3	I		0.01

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	Cas No.	Class	Ambient Air Standard	
			(µg/m ³ *) (8 Hour Avg.)	(µg/m ³ **) (Annual Avg.)
[See Prior Text in Copper (and compounds) [1] – Methyl Isobutyl Ketone]				
Methylmeth-A-Methyl Methacrylate	80-62-6	III	9,760.00	
[See Prior Text in Naphthalene (and Methyl naphthalenes) [12] – Xylene (mixed isomers) [9]]				
Zinc (and compounds) [1][10][15]	7440-66-6	III	119.00	

EXPLANATORY NOTES:

[See Prior Text in Notes *-14]

[15] Zinc chromates and zinc arsenates are Class I TAPs regulated as carcinogens under Chromium VI (and compounds) and arsenic (and compounds) TAP categories.

[See Prior Text in Table 51.3 Louisiana Toxic Air Pollutants Supplemental List* - Table 51.3 Explanatory Note [4]]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1331 (December 1995), amended LR 22:278 (April 1996), LR 24:1277 (July 1998), LR 25:1237 (July 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

LOG #: AQ202

Person

Preparing

Statement: Maria F. Cuadra

Dept.: Environmental Quality

Phone: (225) 765-0666

Office: Environmental Assessment

Return

Address: P. O. Box 82178

Rule Zinc Reclassification and other

Title: Clarifications LAC 33:III.5107
and 5112

Baton Rouge, LA

Date Rule

70884-2178

Takes Effect: Upon promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I.	ESTIMATED IMPLEMENTATION COSTS (SAVINGS)	TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
1.	100	100
2.	100	100
3.	100	100
4.	100	100
5.	100	100
6.	100	100
7.	100	100
8.	100	100
9.	100	100
10.	100	100
11.	100	100
12.	100	100
13.	100	100
14.	100	100
15.	100	100
16.	100	100
17.	100	100
18.	100	100
19.	100	100
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90.	100	100
91.	100	100
92.	100	100
93.	100	100
94.	100	100
95.	100	100
96.	100	100
97.	100	100
98.	100	100
99.	100	100
100.	100	100

No implementation costs (savings) to state or local government are anticipated from this proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)	
1. State	1,000,000
2. Local	2,000,000
3. Total	3,000,000

There is no anticipated effect on local revenue collections. There is a small estimated effect on state revenue collections from this rulemaking. Based on the 1998 zinc emissions, 38 facilities emitted 54.82 tons and were charged \$54/ton. The total fees assessed were \$2,960.28. The newer zinc classification will lower fees to \$27/ton or generate \$1,480.14. A decrease of approximately \$1,500.00 in Environmental Trust Fund revenue is expected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Other than the \$1,500 in reduced zinc fees, no other costs and no significant economic benefits to directly affected persons or non-governmental groups are anticipated by this rulemaking.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment from this rulemaking.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

James H. Brent, Ph.D., Ass't Secretary
Typed Name and Title of Agency Head
or Designee

Date of Signature

Date of Signature

LFO 7/1/94

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This rulemaking proposes the following:

- 1) To reclassify zinc and zinc compounds from a Class II TAP to a Class III TAP in LAC 33:III.5112, Tables 51.1 and 51.2.
- 2) To add under LAC 33:III.5107.A, a certification statement to attest that the information contained in the emission report is true, accurate, complete and signed by a Responsible Official as defined in LAC 33:III.502.
- 3) To correct the following typo in LAC 33:III.5112, Table 51.2 “Methylmeth-Acrylate” needs to be changed to “Methyl Methacrylate.”

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rulemaking is proposed to reclassify zinc and zinc compounds as Class III TAP because exposure to zinc and zinc compounds has been shown in EPA toxicological studies to cause acute and chronic health effects corresponding to the Class III TAP classification. Also, this rulemaking is proposed to add a certification statement in LAC 33:III.5107.A in order to have a more accurate emission data report, and to correct some typos.

- C. Compliance with Act II of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule change will not result in any increase in the expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) N/A Yes. If yes, attach documentation.
- (b) N/A No. If no, provide justification as to why this rule change should be published at this time.

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 99-00	FY 00-01	FY 01-02
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

 This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

 The agency will use existing resources to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

 There is no impact on local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

 This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*	(-) \$1,500	(-) \$1,500	(-) \$1,500
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	(-) \$1,500	(-) \$1,500	(-) \$1,500

* Environmental Trust Fund

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no anticipated effect on local revenue collections. There is a small estimated effect on state revenue collections from this rulemaking. Based on the 1998 zinc emissions, 38 facilities emitted 54.82 tons and were charged \$54/ton. The total fees assessed were \$2,960.28. The newer zinc classification will lower fees to \$27/ton or generate \$1,480.14. A decrease of approximately \$1,500.00 in Environmental Trust Fund revenue is expected.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Major sources of toxic air pollutants emitting zinc emissions will reduce the fees of their reported zinc emissions by an estimated \$1,500.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on receipts and/or income is anticipated.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No impact on competition and employment in the public and private sectors is anticipated from this rule.